

REMARKS:Claims 1-4 and 9

Claims 1-4 and 9 have been rejected under 35 USC 102(b) as being anticipated by Chang et al. (US6119331).

Claim 1 has been amended to require that portions of the cap are removed such that empty side regions are positioned laterally on opposite sides of the cap after removing the portions of the cap. This feature in combination with the other claimed elements is not shown in the prior art.

Claims 2-4 and 9 depend from claim 1 and therefore are also believed to be allowable. Reconsideration and allowance of claims 1-4 and 9 is respectfully requested.

Claims 5-7

Claims 5-7 have been rejected under 35 USC 103(a) as being unpatentable over Chang in view of Sasaki et al. (US2001/0055879).

Claims 5-7 depend from claim 1, particularly as amended. Claim 1 is believed to be allowable over Chang for the reasons set forth above. Because Sasaki has been added merely to show various materials for the gap layer, claim 1 is believed to be allowable over the combination of references.

If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, claims 5-7 are also believed to be allowable over the art of record.

Claim 8

Claim 8 has been rejected under 35 USC 103(a) as being unpatentable over Chang.

Claim 8 depends from claim 1 and therefore is also believed to be allowable for the same reasons as claim 1. If an independent claim is nonobvious under 35 U.S.C.

103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claims 15-18

Applicants acknowledge and appreciate allowance of claims 15-18.

Claims 30

New claim 30 has been added to further define and vary the scope of the present invention. Support for this amendment is found on p. 13, lines 10-12 and FIGS. 8-11. The art of record fails to show a layer of fill material formed in side regions adjacent the cap, and a layer of gap material formed thereabove. Therefore, claim 30 is believed to be allowable.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-2587 (Order No. HSJ920030096US1).

Respectfully submitted,

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